

Rules of Procedure

Colorado Independent Congressional Redistricting Commission

**Adopted and Effective April 28, 2021
As Modified on July 7, 2021, and
As Modified on August 2, 2021.**

Table of Contents

1.0	NAME AND DEFINITIONS	3
	Section 1.1: Name	3
	Section 1.2: Definitions	3
2.0	AUTHORITY AND PURPOSE	3
	Section 2.1: Organization	3
	Section 2.2: Purpose	3
	Section 2.3: Authority	3
	Section 2.4: Adoption of Rules of Procedure	4
3.0	MEMBERSHIP AND APPOINTMENT	4
	Section 3.1: Membership	4
	Section 3.2: Removal & Vacancy	4
	Section 3.4.a Process for Removal	4
	Section 3.5: Replacement	4
	Section 3.6: Duties of Commissioners	5
	Section 3.7: Voting Rights of Commissioners	5
	Section 3.8: Conflict of Interest	5
	Section 3.9: Compensation	5
	Section 3.10: Orientation and Training	5
4.0	GENERAL RULES	5
	Section 4.1: Quorum	5
	Section 4.2: Minutes	5
	Section 4.3: Recording of Proceedings	5
	Section 4.4: Right of Floor	5
	Section 4.5: Staff Director	5
	Section 4.6: Managing Attorney	6
	Section 4.7: Restrictions on Communications with the Public	6
	Section 4.8: Prohibitions on Gifts and Gratuities	6
	Section 4.9: Rules of Order	6
5.0	COMPLIANCE WITH OPEN MEETINGS LAWS	6
	Section 5.1: Open Meetings	6
	Section 5.2: Location and Notice	6
	Section 5.3: Rescheduling of Meetings	6
6.0	MEETINGS	6
	Section 6.1: Regular Commission and Committee Meetings	6
	Section 6.2: Mandated Public Hearings	6
	Section 6.4: Recessed Meetings	7
7.0	OFFICERS	7

Section 7.1: Officers	7
Section 7.2: Nominations and Elections	7
Section 7.3: Tenure	7
Section 7.4: Duties of the Chair	7
Section 7.5: Vice-Chair	7
Section 7.6: Nonpartisan Staff	7
8.0 ORDER OF BUSINESS AND AGENDA	8
Section 8.1. Agenda	8
Section 8.1.1: Agenda Preparation	8
Section 8.2: Agenda Packet	9
Section 8.3: Amendments to the Agenda	9
9.0 VOTING	9
Section 9.1: Duty to Vote	9
Section 9.2: Manner of Voting	10
Section 9.3: Voting	10
Section 9.4: Required Notice	10
Section 9.5: Results of Voting	10
10.0 COMMITTEES	10
Section 10.1: Committee Formation	10
Section 10.2: Appointment and Authority	10
Section 10.3: Limitation of Authority	11
Section 10.4: Discharge	11
11.0 DECORUM AND CIVILITY	11
Section 11.1: Duty of the Chair	11
Section 11.2: Addressing Commissioners	11
Section 11.2.1: Exceptions	11
Section 11.3: Refrain from Outbursts	11
Section 11.4: Maintaining Respect for Commissioners	11
Section 11.5: Communication Devices During Commission Meetings	11
12.0 HEARING PROCESS AND PROCEDURES FOR PUBLIC PARTICIPATION AT HEARINGS ...	11
13.0 CONSIDERATION OF MAPS AND RECOMMENDED CHANGES	12
Section 13.1 Commission Review of Maps Submitted for Consideration	12
14.0 MAINTAINING A RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS	13
AND PUBLIC ACCESS TO COMMISSION RECORDS	13
Section 14.1: Maintaining a Record of the Commission's Activities and Proceedings	13
Section 14.2: Public Access to Commission Records	13
14.0 MISCELLANEOUS	13
Section 14.1: Suspension	13
Section 14.2: Amendments	13
Section 14.3: Severability	14

1.0 NAME AND DEFINITIONS

Section 1.1: Name. Article V, section 44 (2) of the Colorado Constitution creates the Colorado Independent Congressional Redistricting Commission.

Section 1.2: Definitions. Terms used in these Rules shall have the meaning set forth in the Colorado Constitution or Colorado Revised Statutes or as defined herein. For the purpose of these rules, the following terms have the meaning provided herein:

- “Commission” means the Independent Congressional Redistricting Commission.
- “Community of interest” shall have the meaning set forth in Article V of the Colorado Constitution. However, the Commission shall determine, in its discretion, what constitutes a Community of Interest applying the guidance set forth in the Constitution.
- “Competitive” shall have the meaning set forth in the Colorado Constitution. The Commission may utilize such data as it deems appropriate in determining competitiveness, including a proposed district’s past election results, a proposed district’s political party registration data, and evidence-based analyses of proposed districts.
- “Meeting” means a regularly scheduled public gathering of the Commission or a committee at which items such as process, procedures, training, and redistricting plans are discussed.
- “Required Public Hearing” means any of the public gatherings held in various congressional districts, the purpose of which is to solicit input regarding communities of interest and political competitiveness as described in article V, section 44.2 (3) of the Colorado Constitution.
- “Redistricting year” means the year following the year in which the federal decennial census is taken.
- “Staff” or “nonpartisan staff” means the staff of the Colorado General Assembly’s Legislative Council and Office of Legislative Legal Services, or their successor offices, who are assigned to assist the Commission by the directors of those offices.

2.0 AUTHORITY AND PURPOSE

Section 2.1: Organization. The Commission is a public body organized pursuant to the Colorado Constitution as a result of the passage of Amendment Y by Colorado voters in 2018. The Commission operates according to the constitution and laws of the state of Colorado, and subject to the constitution and laws of the United States of America. The Commission shall be convened by March 15 in the year after the federal decennial census.

Section 2.2: Purpose. The purpose of the Commission is to:

1. Operate in an impartial and transparent manner that reinforces public confidence in the integrity of the redistricting process.
2. Conduct statewide public outreach and invite meaningful public participation in the redistricting process.
3. Adopt redistricting plans for U.S. House of Representatives districts in the year immediately following the federal decennial census.
4. Engage in the process of redrawing district boundaries to guarantee equal voter representation through equal population counts and other relevant criteria set forth in applicable federal and state laws.

Ensure compliance with the redistricting criteria set forth in Article V, Section 44.3 of the Colorado Constitution

Section 2.3: Authority. The Commission is authorized to perform its duties and all activities necessary to serve its purpose, as stated herein or set forth in article V, sections 44 through 44.5 of the Colorado Constitution.

1. The Commission has the sole authority, acting pursuant to the constitution, to prepare and adopt a congressional redistricting plan or plans for the state of Colorado.

2. The Commission may hire outside legal representation in connection with the performance of its powers, duties, and functions, including representation of the Commission before any court.
3. The Colorado General Assembly shall appropriate sufficient funds for the payment of the expenses of the Commission, the compensation and expenses of nonpartisan staff, and the payment of necessary and reasonable expenses incurred by the Commissioners.

Section 2.4: Adoption of Rules of Procedure. The Commission is required to determine its own rules and order of business pursuant to the constitution to govern its administration. The Commission must provide at least 72 hours prior public notice of all proposed rules prior to consideration of adoption. The following set of rules shall be in effect upon their adoption by the Commission and until such time as they are amended or new rules are adopted in the manner set forth in Section 14.0 of these rules. None of the rules herein stated may supersede the constitution or laws of the state of Colorado or the constitution or laws of the United States of America.

3.0 MEMBERSHIP AND APPOINTMENT

Section 3.1: Membership. Membership shall be determined in accordance with Article V of the Colorado Constitution.

Section 3.2: Removal & Vacancy. Each Commissioner shall serve for the entire term (to be determined in December 2021) of the Commission unless they shall be removed or otherwise vacate their office. A vacancy must be filled within seven days.

A Commissioner shall be removed from office by the Commission if they participate in a communication prohibited by article V, section 44.2 of the Colorado Constitution.

A Commissioner's office shall become vacant upon the occurrence of any of the following:

- A finding by the chair or eight Commissioners, including at least one unaffiliated Commissioner, that a Commissioner is deceased or is not able to serve due to mental incapacity of the Commissioner;
- the chair's receipt of the Commissioner's written resignation;
- If a Commissioner's voter affiliation changes as described in article V, section 44.1 of the Colorado Constitution; or
- when a new Commission is appointed.

Section 3.4.a Process for Removal. In the event the Commission or a Commissioner receives information that a Commissioner may be subject to removal pursuant to Article V, Section 44.2(4)(b)(I)(E), the Chair shall provide notice to the Commissioner who is the subject of the information and assign the matter to a select committee of Commissioners with at least one Commissioner affiliated with each of the two major political parties and at least one unaffiliated Commissioner. The Commission, by a majority vote, shall approve the select committee.

At the next regularly scheduled meeting of the Commission the select committee shall provide a report of the matter to the Commission. The Commissioner who is subject to the inquiry may also provide to the Commission whatever information and argument he or she believes is relevant. Once the Commission is satisfied that the matter has been adequately investigated, the Commission shall vote to determine whether the Commissioner shall be removed pursuant to Article V, Section 44.2(4)(b)(I)(E). If additional investigation is needed, the matter will be brought back to the Commission at the next regularly scheduled meeting for resolution.

The Commissioner under investigation will be removed if at least eight Commissioners, including at least two unaffiliated Commissioners, vote to remove the Commissioner pursuant to Article V, Section 44.2(4)(b)(I)(E).

Section 3.5. Replacement. In the event a Commissioner's seat becomes vacant for any reason set forth in Section 3.4 of these rules, the vacancy shall be filled as provided in Article V, Section 44.1(11)(b).

Section 3.6: Duties of Commissioners. Each Commissioner shall perform his or her duties in a manner that is impartial and reinforces public confidence in the integrity of the redistricting process.

Section 3.7: Voting Rights of Commissioners. In any matter in which voting by Commissioners is called for, each Commissioner shall be entitled to cast one vote unless a Commissioner may abstain as set forth in Section 9.1 of these rules. Proxy voting is prohibited.

Section 3.8: Conflict of Interest. A Commissioner who has a conflict between a personal interest and the public interest as described in Colorado law, including section 18-8-308, C.R.S., shall fully disclose to the Commission the nature of the conflict. A Commissioner shall not participate in the discussion, deliberation or vote upon any matter if a conflict exists.

Section 3.9: Compensation. Commissioners shall receive a per diem pursuant to Section 44.2(1)(d) of Article V of the Colorado Constitution for attendance at scheduled Commission and committee meetings and hearings. Commissioners shall be reimbursed for all reasonable and necessary expenses.

Section 3.10: Orientation and Training. Commissioners shall receive orientation, continuing education and training on the purposes and activities of the Commission. Information may be presented in a manner most convenient or useful to the Commission including the use of interactive or subject-matter expert presentations.

1. Orientation shall be coordinated by nonpartisan staff of the Commission and provided at the first meeting of a newly convened Commission.
2. Continuing education and training shall be provided at regular intervals for all Commissioners on topics decided by the Commission upon the recommendation of its individual Commissioners or staff.
3. Officer training shall be available to the chair and vice-chair.

4.0 GENERAL RULES

Section 4.1: Quorum. A quorum must be present for the conduct of business at Commission meetings. The quorum shall exist when eight Commissioners are in attendance (in person, by phone or via a video and/or audio communication site (such as Webex, Zoom, etc.)). In addition, at least one Commissioner in attendance must be affiliated with the Democratic Party, one Commissioner in attendance must be affiliated with the Republican Party and one Commissioner in attendance must be unaffiliated. A quorum must be present for the conduct of business at committee meetings. A quorum for committee meetings shall exist when a majority of the Commissioners on the committee is in attendance, regardless of affiliation.

Section 4.2: Minutes. The staff shall keep minutes of all meetings including votes on all official actions taken at those meetings. All decisions of the Commission shall be recorded, and the record of its decisions shall be readily available to any member of the public as required by law and shall be provided without charge.

Section 4.3: Recording of Proceedings. Staff will facilitate a recording of each Commission and committee. The recordings will be available on the Commission's website and shall serve as part of the official record of the Commission.

Section 4.4: Right of Floor. Any Commissioner desiring to speak shall be recognized by the chair, and shall confine his or her remarks to one subject under consideration or to be considered.

Section 4.5: Staff Director. The staff director of the Commission shall attend all meetings of the Commission unless excused. The staff director may make recommendations to the Commission and shall have the right to take part in all public discussions of the Commission but shall have no vote. The nonpartisan staff director shall act as parliamentarian of the Commission.

Section 4.6: Managing Attorney. The managing attorney of the Commission shall attend all meetings of the Commission unless excused. The managing attorney shall, upon request give an opinion, either written or oral, on questions of law. The managing attorney may make recommendations to the Commission and shall have the right to take part in all public discussions of the Commission but shall have no vote. The managing attorney shall serve as its designated Colorado Open Records Act (CORA) coordinator.

Section 4.7: Restrictions on Communications with the Public. Staff, attorneys, and consultants shall not discuss redistricting maps/plans with members of the public outside of an open meeting of the Commission.

Section 4.8: Prohibitions on Gifts and Gratuities. The Commission, individual Commissioners, staff, attorneys, experts, and consultants may not directly or indirectly solicit or accept any gift or loan of money, goods, services, or other thing of value greater than \$65 for the benefit of any person or organization, which may influence the manner in which the individual Commissioner, staff, attorney, expert, or consultant performs his or her duties.

Section 4.9: Rules of Order. Commission meetings shall be conducted according to the current edition of Robert's Rules of Order, Newly Revised (Edition 12.1), subject to any procedures to the contrary set forth in these rules, applicable law, or such other rules adopted by the Commission.

5.0 COMPLIANCE WITH OPEN MEETINGS LAWS

Section 5.1: Open Meetings. The Commission shall conduct meetings under these rules in accordance with Colorado open meetings laws.

Section 5.2: Location and Notice. Meetings and public hearings shall be conducted at a place and time designated by the Commission. Advance public notice of Commission meetings and public hearings shall be provided as required by law. Public notice shall be given as provided in Colorado open meeting laws and nonpartisan staff is designated to give public notice. Public Notice of at least 48 hours shall be provided for Commission meetings, where practicable. Public Notice of at least 24 hours shall be provided for committee meetings, where practicable.

Section 5.3: Rescheduling of Meetings. If any meeting or public hearing of the Commission must be rescheduled, this change shall be posted at least 18 hours before the rescheduled meeting occurs.

6.0 MEETINGS

Section 6.1: Regular Commission and Committee Meetings. The Commission will hold regular meetings to receive informational briefings, approve policy decisions, and discuss and amend staff plans. The meetings will all be listed on the Commission's website and will be open to the public. When appropriate, the Commission may choose to hear public input on a particular subject or subjects. Periods of public comment will be noted on Commission agendas. Committee meetings will be scheduled as needed and will also be listed on the website and will be open to the public. In the event the Chair of the Commission believes the Commission needs to convene a non-regularly scheduled meeting, the Chair shall have the authority to convene such a meeting after conferring with the Commissioners regarding the subject and timing of the meeting. Such non-regularly scheduled meeting shall otherwise comply with the Commission's rules and the Open Meetings Law.

Section 6.2: Mandated Public Hearings. The Commission must, to the maximum extent practicable, provide opportunities for Colorado residents to present testimony at hearings held throughout the state. A redistricting plan may not be approved by the Commission until at least three hearings have been held in each congressional district, including at least one hearing in a location west of the Continental Divide and at least one hearing in a location that is either south of El Paso County's southern boundary or east of Arapahoe County's eastern boundary. Each public hearing must be attended, in person or electronically, by at least ten Commissioners.

Section 6.3 Adoption of a Statewide Meeting and Hearing Schedule. The Commission shall adopt a statewide meeting and hearing schedule, including the necessary elements of electronic attendance at a Commission hearing. The Public Hearing Schedule Committee shall develop and bring to the Commission for approval a recommended statewide hearing schedule that includes necessary elements of electronic attendance at the hearings.

Section 6.4: Recessed Meetings. Any meeting of the Commission may be recessed to a later date and time, provided that no adjournment shall be for a longer period than until the next scheduled meeting. Any meeting that is recessed for more than 36 hours shall be reconvened only after public notice has been posted at least 18 hours before the meeting.

7.0 OFFICERS

Section 7.1: Officers. The officers of the Commission shall be the chair and vice-chair. The chair and vice-chair may not be affiliated with the same political party.

Section 7.2: Nominations and Elections. The Commission shall nominate and elect from within its membership a chair and a vice-chair who are not registered with the same political party. Any Commissioner may self-nominate for the chair and vice-chair and elections will occur at a subsequent meeting. The nomination and election of chair will occur first and vice-chair will occur second. All candidates will be given an equal amount of time to speak in support of their candidacy, to be followed by a period of questions and answers. The affirmative vote of at least eight Commissioners, including at least one unaffiliated Commissioner, is required to elect a chair and vice-chair.

Section 7.3: Tenure. The chair and vice-chair shall take office immediately following their election and shall hold office for a term of the Commission, unless removed under Section 3.5, or by the vote of the majority of the Commissioners. In the event the office of the chair becomes vacant, the vice-chair shall succeed to this office for an interim period until a new election for chair and, if applicable, vice-chair, can be held.

Section 7.4: Duties of the Chair. The chair shall:

- call to order and preside at all meetings, when present;
- preserve order and decorum and may speak to points of order in preference to other Commissioners.
- The chair will decide all questions arising under this parliamentary authority in consultation with the staff director, subject to appeal and reversal by a majority of the Commissioners present;
- enforce these rules of procedure;
- perform any other administrative or agenda duties as directed by the Commission;
- have all the same rights as other Commissioners with respect to procedural matters, debate and voting except that the chair shall not vote on the appeal of a parliamentary ruling by the chair;
- approve expenditures associated with the Commission for any individual expenditure in excess of \$5,000;
- In the event of absence or disability of both the chair and vice-chair during a meeting, the chair may designate another of its Commissioners to serve as acting chair during such absence or disability.
- Establish committees and subcommittees by a majority vote of the Commission with the support of at least one Republican, one Democrat, and one unaffiliated member.
- Serve as a primary contact to the Legislative Commission or designate an individual or group for this purpose.

Section 7.5: Vice-Chair. The vice-chair shall perform the duties of the chair when the chair is unavailable, except as otherwise provided by law. The vice-chair shall act in the capacity of the chair in the chair's absence. The vice-chair shall help facilitate group discussion on items before the Commission. The vice-chair will also be responsible for other duties as designated by the chair.

Section 7.6: Nonpartisan Staff. Nonpartisan staff shall assist the Commission without vote, and in that capacity shall keep the official record of all proceedings of the Commission and furnish, under the direction

of the Commission, all technical services that the Commission deems necessary. The duties of nonpartisan staff shall also include:

- facilitating the process for the selection of Commissioners pursuant to article V, section 44.1 of the Colorado Constitution;
- acquiring and preparing all necessary resources, including computer hardware, software, and demographic and geographic databases, as far in advance as necessary to enable the Commission to begin its work upon convening;
- maintaining a website or comparable means of communicating with the public through which any Colorado resident may submit proposed plans or written comment, or both, without attending a hearing of the Commission;
- publishing all written comments pertaining to redistricting on the Commission's website or comparable means of communicating with the public as well as the name of the Colorado resident submitting such comments, with certain exceptions. If the Commission or nonpartisan staff have a substantial basis to believe that the person submitting such comments has not truthfully or accurately identified himself or herself, the Commission need not consider nor publish such comments, but must notify the commenter in writing of this fact. The Commission may withhold comments, in whole or in part, from the website that do not relate to redistricting maps, policies, or communities of interest.
- providing simultaneous access to all Commission meetings and hearings via the Commission's website or comparable means of communication and maintain an online archive of such meetings and hearings for public review;
- except for written public comment and input, not having any communication about the content or development of any redistricting plans outside of public meetings and hearings with anyone other than other staff;
- reporting to the Commission any attempt by anyone to exert influence over the staff's role in the drafting of plans;
- communicating with Commissioners about administrative matters and providing any training requested by the Commission;
- facilitating required public hearings and meetings by identifying and securing venues, providing public notice, broadcasting and recording the meetings and hearings, making any necessary travel arrangements for Commissioners and staff, and keeping meeting minutes;
- creating a preliminary plan and presenting and publishing the preliminary plan no earlier than 30 days and no later than 45 days after the Commission has convened or the necessary census data is available, whichever is later;
- accepting and considering written comments from the Commission and the public on the creation of the preliminary plan for at least 60 days following the convening of the Commission or ten days before the preliminary plan is to be presented;
- when presenting the preliminary plan, explaining how the plan was created, how the plan addresses the categories of public comments received, and how the plan complies with constitutional criteria for creating plans;
- preparing, publishing online, and presenting no fewer than three staff plans unless the Commission approves the first or second staff plan;
- in the event the Commission fails to establish a timeline for the presentation of staff plans within ten days after the completion of the hearings on the preliminary plan, establishing such a timetable;
- considering public testimony and public comment on staff plans that is consistent with constitutional criteria; and
- preparing additional plans or amendments to plans requested by any Commissioner or group of Commissioners in a public hearing.

8.0 ORDER OF BUSINESS AND AGENDA

Section 8.1. Agenda. The Commission will post a proposed written agenda 48 hours prior to each public meeting. The written agenda will be followed unless changes are made by a majority vote of the Commissioners present.

Section 8.1.1: Agenda Preparation. The staff director shall prepare the proposed agenda, in consideration of items received from Commissioners for inclusion on an agenda, upon approval by the chair

and vice-chair. A majority of the Commissioners present may override the inclusion or exclusion of an agenda item by the chair and vice chair, provided at least one of the Commissioners voting to override is Unaffiliated.

The following format may be utilized for the Order of Business:

- Call to Order. The chair shall call a meeting to order.
- Roll Call. Nonpartisan staff shall call the roll and declare whether there is a quorum.
- Adoption of the Agenda. The Commission may amend and shall adopt an agenda by majority vote of Commissioners present. Items may be added or deleted by amendment.
- Review and Approval of Minutes. At a regular meeting, the minutes of the previous regular and any other prior meeting since the last regular meeting shall be corrected, if necessary, and approved by the Commission.
- Committee Reports: Commission committee chairs will present its committee report to the full Commission.
- Staff Director Report. The staff director shall provide a status report and respond to questions from the Commission.
- Managing Attorney. The Managing Attorney shall provide a status report and respond to questions from the Commission.
- Unfinished Business. Items of Commission business or issues from a previous meeting that were tabled, or left unresolved.
- New Business: Items of Commission business or issues that are new to the Commission, designated as new business at a prior meeting or an item that was defeated at a prior meeting.
- Upcoming Meeting Agenda Topics and Continuing Education. The staff director shall provide an update and respond to questions from the Commission.
- Announcements. Opportunity for individual Commissioners to make comment or an announcement regarding upcoming activities relating to the Commission's work.
- Adjourn. When the items on the agenda are completed and the Commission has no further business, a motion to adjourn is in order.

Section 8.2: Agenda Packet. The agenda package shall be forwarded via electronic mail transmission to each Commissioner as soon as practicable prior to the meeting. The package shall contain the proposed agenda, previous meeting minutes and sufficient information and reports so that Commissioners may have a basic working knowledge of each item appearing on the agenda. Meeting materials not related to work-product will be available publicly as far in advance as possible.

Section 8.3: Amendments to the Agenda. The agenda may be amended at the Commission meeting by action of the Commission.

9.0 VOTING

Section 9.1: Duty to Vote. Appointment to a deliberative body carries with it the obligation to vote. Commissioners present at a meeting shall vote on every matter before the Commission, unless otherwise excused or prohibited from voting as follows:

1. A Commissioner may abstain from voting if he or she:
 - a. Has a conflict of interest, as set forth in section 3.8 of these rules or as defined by law. An individual Commissioner shall disclose the presence of a conflict of interest or raise a potential conflict of interest when the agenda item is called, prior to the start of discussion or deliberation. Should a conflict of interest become clear during the discussion, the Commissioner shall raise the existence of an actual or potential conflict at that time. An individual Commissioner may seek the opinion of the managing attorney whether a conflict exists, however this opinion shall not be binding on the Commission. The Commission shall decide, by majority vote of Commissioners present, whether a conflict of interest exists. A vote may be tabled, if necessary, to obtain the opinion of the managing attorney. A Commissioner with a conflict of interest is prohibited from participating in any discussion, debate or decision on that issue; or

- b. Lacks sufficient information about the issue to be decided. If a Commissioner abstains, he or she shall state for the record their intention to abstain and the reason(s) for doing so prior to the vote. The abstaining Commissioner shall not be restricted or prohibited from participating in any discussion or debate on the issue.
2. If any Commissioner abstains from voting, a roll call vote shall be required on that issue. The reason(s), pursuant to subsections a or b above, for the abstention shall be entered into the minutes of the meeting at which the vote is taken and be part of the official record.
3. The right to vote is limited to the Commissioners present at the time the vote is taken. Voting by proxy is prohibited.
4. All votes must be held and determined in public; secret ballots are prohibited except in the case of the election of a chair or a vice-chair.
5. Prior to calling for a vote, the chair shall state the question being voted upon.

Section 9.2: Manner of Voting. Except as otherwise provided in these rules or by law, voting shall be by unanimous consent, voice vote, roll call or show of hands unless a written ballot is requested by a Commissioner. A written ballot shall state the Commissioner's name and each ballot shall be read aloud. The result of the vote by written ballot shall be announced, be entered into the minutes of the meeting at which the vote is taken and the ballots shall be a part of the official record. Secret ballots are prohibited. Roll call votes shall be taken when required in these rules or by law, at the request of any Commissioner, or when the chair cannot determine the results of a voice vote.

Section 9.3: Voting. Except as otherwise provided in these rules or by law, voting shall be approved by a majority of the Commissioners entitled to vote. Constitution requires the following votes for the following actions:

1. A simple majority of the appointed Commissioners (seven) may approve rules and procedural decisions.
2. Election of the chair and vice-chair requires the affirmative vote of at least eight Commissioners, including at least one unaffiliated Commissioner.
3. Removal of an appointed Commissioner requires the affirmative vote of at least eight Commissioners, including at least two unaffiliated Commissioners.
4. Adoption of the final plan for submission to the Colorado Supreme Court and the adoption of a revised plan after a plan is returned to the Commission from the Supreme Court requires the affirmative vote of at least eight Commissioners, including at least two unaffiliated Commissioners.
5. Removal of an officer from their officer position requires the affirmative vote of at least eight Commissioners, including at least one unaffiliated Commissioner.

Section 9.4: Required Notice. The Commission shall not vote on a final plan until at least 72 hours after it has been proposed to the Commission in a public meeting or at least 72 hours after it has been amended by the Commission in a public meeting, whichever occurs later; except that the Commission may unanimously waive the 72-hour requirement.

Section 9.5: Results of Voting. In all cases where a vote is taken, the chair shall declare the result. It will be in order for any Commissioner voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Commission provided that no action has been taken as a result of the previous vote.

10.0 COMMITTEES

Section 10.1: Committee Formation. The Commission may appoint and maintain standing or ad hoc committees, as it deems appropriate.

Section 10.2: Appointment and Authority. The Commission shall appoint all committees and committee chairs by a majority vote. It shall be the function of committees to conduct studies, make recommendations to the Commission, and carry out such activities as may be delegated to them by the Commission. All committees are subject to Colorado open meetings laws.

Section 10.3: Limitation of Authority. No action by any committee, individual Commissioner, employee, or officer shall be binding upon, or constitute an expression of, the policy of the Commission until it has been approved or ratified by the Commission.

Section 10.4: Discharge. Committees shall be discharged by the Commission when their work has been completed and their reports accepted, or when, in the opinion of the Commission, it is deemed wise to discontinue the committee.

11.0 DECORUM AND CIVILITY

Section 11.1: Duty of the Chair. It shall be the duty of the chair to maintain order and decorum at meetings.

Section 11.2: Addressing Commissioners. Commissioners shall address each other through the chair, or vice-chair when designated by the chair, with respect and will not direct negative comments or gestures towards other Commissioners.

Section 11.2.1: Exceptions. A Commissioner may request to speak with the permission of the chair, or vice-chair when designated by the chair. Commissioners shall not interrupt one another; however, point-of-information or fact may be allowed with the permission of the chair.

Section 11.3: Refrain from Outbursts. To maintain the atmosphere of professionalism appropriate to Commission meetings, its members, staff, attorneys and consultants will avoid disruptive public verbal, non-verbal or physical reactions while anyone is speaking regardless of whether the public reaction is in support of or in opposition to another Commissioner's point of view. This rule is directed at individual behavior and not intended to inhibit normal group responses such as laughter in response to a humorous statement.

Section 11.4: Maintaining Respect for Commissioners. The chair and vice-chair shall maintain impartiality and treat all Commissioners with the respect that is due the position of a Commissioner. Commissioners shall treat each other and the chair and vice-chair with like respect.

Section 11.5: Communication Devices During Commission Meetings. If attending in person. Commissioners who have indicated a necessity to have cell phones or other communication devices at the Commission table may be allowed to retrieve information. Commissioners shall excuse themselves from the table in order to return needed messages. All cell phones and other communication devices of Commissioners attending in person shall be set to vibrate or placed in silent mode during meetings.

12.0 HEARING PROCESS AND PROCEDURES FOR PUBLIC PARTICIPATION AT HEARINGS

The Colorado Independent Redistricting Commission and the nonpartisan staff invite all Colorado residents to comment on redistricting. All comments must include an accurate identification of the author, and where they are from.

Section 12.1: Virtual Hearing Access. All of the Commission's public hearings will be broadcast in real-time with the option for remote testimony.

Section 12.2: Testimony Sign-Up. Those wishing to provide testimony at a public hearing will need to sign-up for the specific hearing at which they want to testify. Remote testimony will require advance sign-up, which will be available online and will close at the start of each public hearing. For those attending and testifying at a hearing in-person, sign-up can be completed online in advance of the meeting or in-person at the beginning of the meeting.

All testimony sign-up lists are public records and are subject to CORA. Additionally, all of the hearing proceedings will be recorded and are considered public records, subject to CORA.

Section 12.3: Testimony Time Limits. Each speaker will have three minutes to speak. The three minutes will begin after the speaker has introduced themselves. A timer will be used to monitor speaking time. For

any member of the public testifying with a translator, the timer will be paused during periods of translation to ensure the speaker has a full three minutes to deliver their remarks.

Upon approval of a majority of Commissioners present, speaking time limits may be extended.

Section 12.4: Delivering Testimony. In general, members of the public will be called to testify in the order in which they signed-up with any changes at the chair's discretion. When a member of the public is called to testify, they should be prepared to introduce themselves including: an accurate name, how they would like to be addressed, where they are from, and any relevant organizational affiliation they are representing.

The subject of the testimony should be limited to redistricting. The Commission welcomes comments about the speaker's community, communities of interest, public policy concerns, and political competitiveness.

Comments that include threats of violence, disparaging remarks regarding a person's race or sexual orientation, threats of economic reprisal, or that seek to influence the Commission or nonpartisan staff through deceit will be dismissed and reported to law enforcement as appropriate. Any speaker engaging in this type of testimony will not be allowed to continue and will forfeit the balance of their speaking time.

Commissioners may ask a speaker follow-up or clarifying questions. The Commission generally will not respond to specific questions posed during testimony as that is outside the scope and purpose of the public hearings. Follow-up and clarifying questions and a speaker's response are not included in the three minute time limit.

13.0 CONSIDERATION OF MAPS AND RECOMMENDED CHANGES

Section 13.1 Commission Review of Maps Submitted for Consideration

The Map Analytics Committee shall track and provide a tiered review of all Congressional maps submitted to the Commission for its consideration. Maps shall be defined as a graphical representation of one or more Congressional districts.

For its review of the maps submitted for consideration, the Map Analytics Committee shall develop a review framework that the Committee will use to summarize whether the map submitted appears to address the criteria established in Article V Section 44.3. The Map Analytics Committee may agree that a map submitted to the Commission receive further review. Completed review summaries will be made available to the whole Commission and the public in accordance with the Committee's developed review framework.

The Map Analytics Committee may also develop an additional process to assess the preliminary plan, staff plans, or any submitted map that is recommended to the whole Commission for consideration for adoption by the Commission.

Section 13.2 Process for Providing Guidance to the Nonpartisan Staff regarding Staff Plans

(a) The Commission may from time to time adopt a process by which it will consider general standards, methodologies and procedures to guide non-partisan staff in the preparation of one or more plans. Such general standards, methodologies and procedures shall be approved by at least 8 Commissioners, including one unaffiliated Commissioner. Such standards, methodologies and procedures shall be set forth in writing and adopted and delivered to the non-partisan staff in a public meeting.

(b) An individual Commissioner who requests preparation of a map by non-partisan staff shall make such request to the Commission in a public meeting.

(c) The Commission may from time to time, by an affirmative vote of a majority of the Commission recommend that the nonpartisan staff make changes to a plan submitted to the Commission.

14.0 MAINTAINING A RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS AND PUBLIC ACCESS TO COMMISSION RECORDS

Section 14.1: Maintaining a Record of the Commission's Activities and Proceedings.

Nonpartisan staff shall compile and maintain a record of the Commission's activities and proceedings, including but not limited to the following:

Activities:

- Receipt and review of public comments submitted in writing or orally,
- Adoption of a statewide hearing schedule
- Adjustment of deadlines in article v of section 44.4
- Review of maps submitted for consideration by either the staff or the public
- The solicitation of evidence of competitiveness of elections in Colorado and its assessment of such evidence in evaluating proposed maps
- The Commission's directions to nonpartisan staff on proposed changes to any plan and the Commission's rationale for such changes
- The comments submitted by a Commissioner to the nonpartisan staff on the creation of the preliminary plan and on communities of interest that require representation in one or more specific areas of the state
- The written comments or a proposed map submitted by a Commissioner to the Commission for its consideration
- Direction from the Commission to the nonpartisan staff for the development of staff plans through the adoption of standards, guidelines, or methodologies
- Request from a Commissioner or group of Commissioners to the nonpartisan staff to prepare additional plans or amendments to plans

Proceedings: Commission meetings; Committee meetings; and Public Hearings

Section 14.2: Public Access to Commission Records.

- Nonpartisan staff shall make the minutes and the record of decisions of Commission meetings readily available to any member of the public without charge. In the unlikely event that Commission minutes are prepared but not approved by the Commission, they shall be available for public inspection not more than eight business days following the meeting. Minutes approved by the Commission shall be available within five business days after the date of the meeting in which the minutes were approved.
- Nonpartisan staff will maintain an online archive of the recordings of all Commission and committee meetings and hearings and make the archive available for public review.
- All Commission records are available to the public for reading, copying and other purposes as governed by CORA, except those specifically exempted under applicable laws including but not limited to CORA or Colorado open meetings laws. The managing attorney shall be responsible for coordinating CORA responses. The Commission may adopt a policy to respond to CORA requests.
- To the extent practicable, nonpartisan staff shall post meeting materials and records on the Commission's website for the public's convenience and to foster transparency in the redistricting process.

14.0 MISCELLANEOUS

Section 14.1: Suspension. Except for those rules derived from the Colorado Constitution or state law, the Commission may suspend its rules of procedure, in whole or in part, by majority vote of Commissioners present.

Section 14.2: Amendments. These rules may be amended, with 72-hours prior notice of such amendment pursuant to article V, section 44.2(1)(e), by a majority vote of the Commissioners present at

any regular or special meeting. The prior notice requirement may be satisfied by inclusion of the proposed amendment on the agenda included in the agenda package at least 72 hours prior to the meeting. Every amendment must identify the specific existing or new sections of these rules that are subject to revision or inclusion by the amendment.

Section 14.3: Severability. These rules and all amendments hereto are subject to article V, section 44.2 of the Colorado Constitution and laws of the state of Colorado, and the constitution and laws of the United States of America. If any article, section, or other provision of these rules, as amended, is found by an appropriate authority to be in violation of such applicable law or otherwise invalid, such provision shall be severed from these rules, the remainder of which shall continue in effect and shall be construed to enable the Commission to achieve its purpose as stated herein.

The foregoing rules, as modified, have been approved by the Colorado Independent Congressional Redistricting Commission as of August 2, 2021.

Certified and Approved as to Form:



Jerome A. DeHerrera, Esq.
General Counsel